

REMARKS

Claim 6 has been canceled by a prior amendment without prejudice or disclaimer of the subject matter thereof. Applicants reserve the right to pursue the subject matter of any canceled claims in subsequently filed continuing applications.

Claims 1, 7, 20, 23, 30 and 41 have been amended.

Claims 1 - 5 and 7 - 43 are present in the subject application.

In the Office Action dated July 25, 2007, the Examiner has objected to claims 1 and 23 due to informalities, has rejected claims 1, 3 - 4, 7, 23, 25 - 26 and 28 under 35 U.S.C. §102(e), and has rejected claims 2, 5, 8 - 22, 24, 27 and 29 - 43 under 35 U.S.C. §103(a). Reconsideration of the subject application is respectfully requested in view of the following remarks.

Initially, the Examiner has objected to claims 1 and 23 due to informalities. In particular, the Examiner suggests that the term "a user" in claims 1 and 23 should be changed to "the user". Accordingly, the term "a user" within claims 1 and 23 has been changed to "said user" and claims 1 and 23 are considered to overcome the objections.

The Examiner has rejected claims 1, 3 - 4, 7, 23, 25 - 26 and 28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,514,145 (Kawabata et al.). In addition, the Examiner has rejected claims 2, 5, 8 - 10, 19, 24, 27, 29 - 31 and 40 under 35 U.S.C. §103(a) as being unpatentable over the Kawabata et al. patent. Briefly, the present invention is directed toward a game controller support structure configured to require a user to operate a game controller in a standing position during game play. The support structure includes a frame with a base, a body support, a game controller and a stand. The stand is attached to the base and supports the game controller, while a user lower body is engaged by the body support. The stand and body support may be adjustable to accommodate various users. In addition, the support structure may be in

the form of an isometric exercise system that enables the user to perform isometric exercises during game play to interact with the game.

The Examiner takes the position that the Kawabata et al. patent discloses and/or renders obvious the features within these claims.

These rejections are respectfully traversed for at least the reasons discussed in the Pre-Appeal Brief Conference request. However, in order to expedite prosecution of the subject application, independent claims 1 and 23 have been amended and recite the features of: a base in the form of a platform to directly support a user thereon in a standing position; and a body support including a post secured to the base to support a lower body portion of the user in the standing position.

The Kawabata et al. patent does not disclose, teach or suggest these features. Rather, the Kawabata et al. patent discloses a height adjustable game machine having a structure that can be easily adapted to a stand-up type and a sit-down type depending on situations. Each of a game controller, a game operation panel and a monitor is set as a unit. A base unit accommodating the controller, the game operation unit and the monitor unit are held between opposed columns in this order from the bottom (e.g., See Abstract and Figs. 1, 5 and 6).

The Examiner takes the position that the base, game operation unit and column disclosed within the Kawabata et al. patent read on the claimed base, game controller and rod, respectively. However, the base within the Kawabata et al. patent relied upon by the Examiner does not directly support a user thereon in a standing position as recited in independent claims 1 and 23. In fact, the game machine is placed on a floor surface F (e.g., See Fig. 1 and Column 4, lines 23 - 25), while the user is supported by the floor surface in a standing position (e.g., See Fig. 6). In addition, the Kawabata et al. patent expressly discloses that the base is positioned to avoid

interference with user legs and feet (e.g., See Fig 6; Column 2, lines 48 - 53 and 59 - 63; Column 4, lines 44 - 49; and Column 6, lines 62 - 67).

In addition, the Examiner takes the further position that Fig. 5 of the Kawabata et al. patent illustrates the claimed body support. However, the seat supporting a user illustrated in Fig. 5 supports the user in a seated position, as opposed to a standing position as recited in the independent claims. Although Fig. 6 of the Kawabata et al. patent illustrates a user in a standing position, the user is supported by the floor surface as discussed above, as opposed to being supported in a standing position by a body support including a post attached to the base as recited in the independent claims.

Since the Kawabata et al. patent does not disclose, teach or suggest the features recited in independent claims 1 and 23 as discussed above, these claims are considered to be in condition for allowance.

Claims 2 - 5, 7 - 10, 19, 24 - 31 and 40 depend, either directly or indirectly, from independent claims 1 or 23 and, therefore, include all the limitations of their parent claims. Claims 7, 23 and 30 have been amended for consistency with their amended parent claims. The dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in the dependent claims.

The Examiner has rejected claims 11 - 18, 20 - 22, 32 - 39 and 41 - 43 under 35 U.S.C. §103(a) as being unpatentable over the Kawabata et al. patent in view of JP 11-309270 (Terutaka). Briefly, the present invention is directed toward a game controller support structure configured to require a user to operate a game controller in a standing position during game play as described above.

The Examiner takes the position with respect to independent claims 20 and 41 that the Kawabata et al. patent discloses the claimed subject matter, except for the rod providing an isometric exercise for the user and including a sensor coupled to a selected location on the rod. The Examiner further alleges that the Terutaka publication discloses these features and that it would have been obvious to combine the Kawabata et al. patent and Terutaka publication to attain the claimed invention.

This rejection is respectfully traversed since neither the Kawabata et al. patent nor Terutaka publication disclose an isometric exercise. However, in order to expedite prosecution of the subject application, independent claims 20 and 41 have been amended to further clarify this feature and recite the features of: a rigid rod attached to a support surface and including a game controller directly attached to an upper portion of the rod, wherein the rod provides an isometric exercise for the user and includes at least one sensor, and wherein applied force affects a deformation of the rod measurable by the at least one sensor to indicate a desired action within the gaming application.

It is important for the Examiner to understand that an isometric exercise typically involves the exertion of force by a user against an object that significantly resists movement as a result of the exerted force such that there is substantially minimal or no movement of the user's muscles during the force exertion. Examples of simple forms of isometric exercise include pushing against a stationary surface (e.g., a doorframe or a wall), attempting to pull apart tightly gripped hands or to bend or flex a sufficiently rigid steel bar, etc. (e.g., See parent U.S. Patent No. 7,121,982; Column 1, lines 29 - 37). With respect to the present invention, the isometric exercise may be performed by the user applying force to bend or deform the rigid rod, where the

sensor measures the rod deformation to control the gaming application. In other words, the gaming application is controlled based on the isometric exercise performed by the user.

As conceded by the Examiner, the Kawabata et al. patent does not disclose, teach or suggest the rod providing an isometric exercise as recited in the claims. Rather, the Kawabata et al. patent discloses a height adjustable game machine having a structure that can be easily adapted to a stand-up type and a sit-down type depending on situations as described above.

The Terutaka publication does not compensate for the deficiencies of the Kawabata et al. patent and similarly does not disclose, teach or suggest these features. Rather, the Terutaka publication discloses an imitation rod for a general purpose game device that measures the rotary motion of a handle relative to a handle support and the position of that support. Position measuring equipment (e.g., angular velocity sensor) is set inside of a controller support body to measure the position of the controller when a user operates the controller like a fishing rod. A handle is set at the right side of the controller to simulate a fishing reel and enables winding and release of the reel. The rotary motion of the handle is measured by equipment inside of the support body (e.g., See Abstract).

Thus, the Terutaka publication discloses measuring rotary motion (e.g., of a simulated fishing reel) and position of the device (e.g. of a simulated fishing rod). There is no disclosure, teaching or suggestion of a rigid rod attached to a supporting surface and providing an isometric exercise or, for that matter, at least one sensor coupled on the rigid rod providing the isometric exercise to measure a deformation of the rod affected by applied force to indicate a desired action within the gaming application as recited in the claims.

Since the Kawabata et al. patent and Terutaka publication do not disclose, teach or suggest, either alone or in combination, the features recited in independent claims 20 and 41 as discussed above, these claims are considered to be in condition for allowance.

Claims 21 - 22 and 42 - 43 depend, either directly or indirectly, from independent claims 20 or 41 and, therefore, include all the limitations of their parent claims. The dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in the dependent claims.

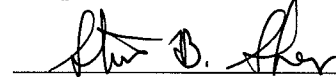
Claims 11 - 18 and 32 - 39 depend either directly or indirectly, from independent claims 1 and 23, respectively, and therefore include all the limitations of their parent claims. As discussed above, the Kawabata et al. patent does not disclose, teach or suggest the features of a base in the form of a platform to directly support a user thereon in a standing position, and a body support including a post secured to the base to support a lower body portion of the user in the standing position as recited in the claims.

The Terutaka publication does not compensate for the deficiencies of the Kawabata et al. patent and similarly does not disclose, teach or suggest these features. Rather, the Terutaka publication is directed toward an imitation rod for a general purpose game device that measures the rotary motion of a handle relative to a handle support and the position of that support as described above.

Since the Kawabata et al. patent and Terutaka et al. publication do not disclose, teach or suggest, either alone or in combination, the features recited in claims 11 - 18 and 32 - 39 as discussed above, these claims are considered to be in condition for allowance.

The application, having been shown to overcome issues raised in the Office Action, is considered to be in condition for allowance and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart B. Shapiro", is written over a horizontal line.

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